

### REMARKS

Claims 1, 2, 4 to 15, 17 to 28, and 30 to 40 are pending in the application, of which claims 1, 14, 27 and 40 are independent. Favorable reconsideration and further examination are respectfully requested.

Claims 1 to 4, 7 to 10, 14 to 17, 20 to 23, 27 to 30, 33 to 36 and 40 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,687,167 (Bertin); claims 5, 6, 11 to 13, 18, 19, 24 to 26, 31, 32 and 37 to 39 were rejected under §103 over Bertin in view of U.S. Patent No. 6,459,682 (Elleson); and claims 5, 6, 12, 13, 18, 19, 25, 26, 31, 32, 38 and 39 were rejected under §103 over Bertin in view of U.S. Patent No. 6,570,875 (Hedge). As shown above, Applicants have amended the claims to define the invention with greater clarity. In view of these clarifications, withdrawal of the art rejections is requested.

Amended independent claim 1 defines a method of providing access to a resource on a network. The method includes selecting a range of network addresses that correspond to two or more devices on the network, where the two or more network devices send unrelated flows of data packets to other devices on the network. The method includes installing instructions on the network, which comprise one filter that defines a fixed level of access to a resource available to the two or more devices. The instructions comprise instructions to queue data packets having a predetermined priority for later transmission if an amount of data packets exceeds a level of the resource that is available.

The applied art is not understood to disclose or to suggest the foregoing features of claim 1. In particular, the art is not understood to disclose or to suggest at least installing,

on a network, one filter that defines a fixed level of access to a resource available to two or more devices that correspond to a range of addresses on the network and that send unrelated data flows to other devices on the network.

More specifically, as correctly noted on page 6 of the Office Action, Bertin is not understood to disclose or to suggest substituting a range of addresses and, therefore, could not possibly disclose or suggest the foregoing features of claim 1. Hedge was cited to make up for this deficiency of Bertin relating to a range of addresses.

In this regard, Hedge describes installing filter tags on network devices to affect communications between two endpoint (host) devices. Hedge describes using such filter tags in association with multicast groups. This use of filter tags in association with multicast groups was said, in the Office Action, to correspond to the claims' "range of addresses". As shown above, however, Applicants have amended the claims to clarify that the range of addresses in claim 1 corresponds to two or more devices on a network that send unrelated flows of data packets to other devices on the network. This amendment defines the claims over multicast groups. That is, as is well known in the art, multicasting refers to transmitting a single message to a select group of recipients. Claim 1, on the other hand is directed to one filter that defines a fixed level of access for two or more devices that that send unrelated data flows (i.e., not necessarily multicasting).

Hedge does not disclose or suggest the foregoing features of claim 1. In fact, all of its descriptions relating to filter tags appear to indicate that Hedge's filter tags are installed between two host devices (see, e.g., column 6, lines 3 et seq.; column 15, lines 9 et seq; column 20, lines 12 to 36). That is, a single one of Hedge's filter tags does not define a

fixed level of access for two or more devices (which correspond to a range of addresses) that send unrelated data flows to other devices on a network.

Thus, even if Hedge were combined with Bertin in the manner suggested in the Office Action, the resulting hypothetical combination would still fail to disclose or to suggest at least the foregoing features of claim 1. Ellesson, which was cited against the dependent claims, is likewise not understood to disclose or to suggest the foregoing features of claim 1. Accordingly, claim 1 is believed to be allowable.

Amended independent claim 14 a computer program claim that roughly corresponds to claim 1; and amended independent claims 27 and 40 are apparatus claims that roughly correspond to claim 1. These claims are also believed to be allowable for at least the same reasons noted above with respect to claim 1.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants : Yin Pan, et al.  
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In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

Please apply any fees or credits due in this case to Deposit Account 06-1050, referencing Attorney Docket No. 10360-048001.

Respectfully submitted,

Date: \_\_\_\_\_

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Paul A. Pysher  
Reg. No. 40,780

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906